

JS 44 CAND (Rev. 12/11)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MICHAEL ARMSTRONG

(b) County of Residence of First Listed Plaintiff Anne Arundel
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Price Law Group
15760 Ventura Blvd., #1100, Encino, CA 91436
Telephone: (818) 907-2030

DEFENDANTS

MERIDIAN FINANCIAL SERVICES INC.; and DOES 1 to 10, inclusive,

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 USC 1692Brief description of cause:
Unlawful Debt Collection Practices**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

according to Proof

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)

(Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE ☐ EUREKA

DATE 05/18/2012

SIGNATURE OF ATTORNEY OF RECORD

E-filing

FILED

MAY 29 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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MEJ

G. Thomas Martin, III, Esq. (SBN 218456)
PRICE LAW GROUP, APC
15760 Ventura Blvd., Suite 1100
Encino, CA 91436
T: (818) 907-2030; F: (818) 205-2730
tom@pricelawgroup.com

Attorneys for Plaintiff,
MICHAEL AMRSTRONG

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MICHAEL ARMSTRONG

Plaintiff,

vs.

**MERIDIAN FINANCIAL SERVICES
INC.; and DOES 1 to 10, inclusive,**
Defendants.

Case No.:

C12-02711

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

Demand Does Not Exceed \$10,000

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, Michael Armstrong, an individual consumer, against Defendant, Meridian Financial Services Inc., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA") and Rosenthal Fair Debt Collection

1 Practices Act, California Civil Code § 1788 *et seq.* ("RFDCPA"), which prohibits
2 debt collectors from engaging in abusive, deceptive, and unfair practices.

3 II. JURISDICTION

4 2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28
5 U.S.C. §§ 1331, 1337 and 1367. Venue in this District is proper in that the
6 Defendant transacts business here and Defendant's collection communications
7 were received by Plaintiff here.
8

9 III. PARTIES

10 3. Plaintiff, Michael Armstrong, is a natural person with a permanent
11 residence in Contra Costa County, California. Plaintiff is a "consumer" as defined
12 by the FDCPA, 15 U.S.C. § 1692a(3) and is a "debtor" as defined by Cal. Civ.
13 Code § 1788.2(h).
14

15 4. Upon information and belief the Defendant, Meridian Financial
16 Services Inc., is a corporation engaged in the business of collecting debt in this
17 state and in several other states, with its office located at Asheville, North
18 Carolina. The principal purpose of Defendant is the collection of debts in this state
19 and several other states, and Defendant regularly attempts to collect debts alleged
20 to be due another.
21

22 5. Defendant is engaged in the collection of debts from consumers using
23 the mail and telephone. Defendant regularly attempts to collect consumer debts
24
25

1 alleged to be due to another. Defendant is a “debt collector” as defined by the
2 FDCPA, 15 U.S.C. § 1692a(6), and RFDCPA, Cal. Civ. Code § 1788.2(c).

3 **IV. FACTUAL ALLEGATIONS**

4 6. The debt Defendant is attempting to collect on is an alleged obligation
5 of a consumer to pay money arising out of a transaction in which the money,
6 property, insurance or services which are the subject of the transaction are
7 primarily for personal, family, or household purposes, whether or not such
8 obligation has been reduced to judgment. As such, it qualifies as “debt,” as
9 defined by 15 U.S.C. § 1692a(5) and “consumer debt,” as defined by Cal. Civ.
10 Code § 1788.2(f).
11

12 7. Within one (1) year preceding the date of this Complaint, Defendant
13 has attempted to collect an alleged debt from Plaintiff by telephone.
14

15 8. Within one (1) year preceding the date of this Complaint, Defendant
16 began constantly and continuously placing collection calls to Plaintiff.
17

18 9. For instance and without limitation, Defendant has called Plaintiff on
19 at least the following: February 4, 2012; February 7, 2012 (2 times); February 13,
20 2012; February 16, 2012 (2 times); February 21, 2012; February 27, 2012; March
21 2, 2012; March 12, 2012, March 14, 2012; March 21, 2012.
22

23 10. Defendant has called from the telephone number 828-365-1084.
24
25

1 11. Notwithstanding Plaintiff informing Defendant over the telephone on
2 or around March 26, 2012 that he was represented by counsel and providing the
3 attorney's contact information, Defendant continued to make collection calls to
4 Plaintiff.

5
6 12. The natural consequences of Defendant's statements and actions was
7 to unjustly condemn and vilify Plaintiff for his non-payment of the debt he
8 allegedly owed.

9
10 13. The natural consequences of Defendant's statements and actions was
11 to produce an unpleasant and/or hostile situation between Defendant and Plaintiff.

12 14. The natural consequences of Defendant's statements and actions was
13 to cause Plaintiff mental distress.

14
15 **V. FIRST CLAIM FOR RELIEF**

16 **(Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*)**

17
18 15. Plaintiff repeats and re-alleges and incorporates by reference to the
19 foregoing paragraphs.

20 16. Defendants violated the FDCPA. Defendants' violations include, but
21 are not limited to, the following:

22
23 (a) Defendant violated §1692c(a)(2) of the FDCPA by communicating
24 with Plaintiff, knowing that he was represented by an attorney with respect to the
25 alleged debt and having knowledge, or being able to readily ascertain, that

1 attorney's address and name, without the attorney having failed to respond within a
2 reasonable period of time to a communication from the debt collector and without
3 the attorney's consent to direct communication with the consumer; and

4 (b) Defendant violated §1692d of the FDCPA by engaging in conduct the
5 natural consequences of which is to harass, oppress, or abuse any person in
6 connection with the collection of an alleged debt; and

7 (c) Defendant violated §1692d(5) of the FDCPA by causing a telephone
8 to ring or engaging any person in telephone conversation repeatedly or
9 continuously with intent to annoy, abuse, or harass any person at the called
10 number; and

11 (d) Defendant violated §1692f of the FDCPA by using unfair or
12 unconscionable means in connection with the collection of an alleged debt.

13 **VI. SECOND CLAIM FOR RELIEF**

14 **(Violation of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ.**

15 **Code § 1788 *et seq.*)**

16 17. Plaintiff repeats and re-alleges and incorporates by reference to the
17 foregoing paragraphs.

18 18. Defendants violated the RFDCPA. Defendants' violations include,
19 but are not limited to, the following:
20
21
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25

1 (a) Defendant violated *Cal. Civ. Code §1788.11d* of the RFDCPA by
2 causing a telephone to ring repeatedly or continuously to annoy the person called;
3 and

4 (b) Defendant violated *Cal. Civ. Code §1788.11e* of the RFDCPA by
5 communicating, by telephone or in person, with the debtor with such frequency as
6 to be unreasonable and to constitute an harassment to the debtor under the
7 circumstances; and

8 (c) Defendant violated *Cal. Civ. Code §1788.17* of the RFDCPA by
9 failing to comply with *§ 1692 et seq.* of the FDCPA, as noted above.
10

11 19. Defendant's acts as described above were done intentionally with the
12 purpose of coercing Plaintiff to pay the alleged debt.
13

14 20. As a result of the foregoing violations of the FDCPA and RFDCPA,
15 Defendant is liable to the Plaintiff, Michael Armstrong, for actual damages,
16 statutory damages, and costs and attorney fees.
17

18 **WHEREFORE**, Plaintiff respectfully requests that judgment be entered
19 against Defendant, Meridian Financial Services Inc., for the following:
20

- 21 A. Actual damages;
- 22 B. Statutory damages pursuant to 15 U.S.C. § 1692k and Cal. Civ. Code
23 § 1788.30;
24
25

1 C. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k and
2 Cal. Civ. Code § 1788.30;

3 D. Awarding Plaintiff any pre-judgment and post-judgment interest as
4 may be allowed under the law.

5 E. For such other and further relief as the Court may deem just and
6 proper.
7

8 **VII. DEMAND FOR JURY TRIAL**

9 Please take notice that Plaintiff, Michael Armstrong, demands trial by jury in
10 this action.
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12

13
14 DATED: May 21, 2012

RESPECTFULLY SUBMITTED,
PRICE LAW GROUP APC

15
16 By: _____


G. Thomas Martin, III
Attorney for Plaintiff
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